

## **District of Columbia Court of Appeals Rule 46(b)**

(as amended 2/4/2005)

### **(b) Admission by Examination.**

**(1) Number and Dates of Examination.** Examinations for admission to the Bar shall be held on two successive days in February and July of each year in Washington, D.C., at a place and on the dates designated by the Committee. The Committee may extend the days for examination for an applicant upon good cause having been demonstrated to the Committee pursuant to a request for testing accommodations.

### **(2) Time to Apply and Fees.**

**(i)** An application to take the bar examination shall be typewritten and submitted on a form approved by the Committee and filed with the Director of Admissions (hereafter Director) not later than December 15 for the February examination and May 3 for the July examination unless, for exceptional cause shown, the time is extended by the Committee. The contents of the application to take the examination shall be confidential except upon order of the court.

**(ii)** The application shall be accompanied by a certified check, cashier's check, or money order in the amount of \$100, which shall be non-refundable, made payable to the Clerk, D.C. Court of Appeals. In the event there is a fee due the National Conference of Bar Examiners, the amount of the fee and the manner of payment shall be stated in the information accompanying the application form.

**(iii)** Late applications may be filed within 15 days from the closing dates specified in subparagraph (i) and must be accompanied by an additional, non-refundable certified check, cashier's check, or money order in the amount of \$200 made payable to the Clerk, D.C. Court of Appeals.

**(3) Proof of Legal Education in a Law School Approved by the American Bar Association.** An applicant who has graduated from a law school that at the time of graduation was approved by the American Bar Association or who is certified by the dean of such law school as being eligible for graduation shall be permitted to take the bar examination. Under no circumstances shall such an applicant be admitted to the Bar without first having submitted to the Director a certificate that the applicant has graduated from an approved law school with a J.D. or LL.B. degree.

**(4) Law Study in Law School Not Approved by the ABA.** An applicant who graduated from a law school not approved by the American Bar Association shall be permitted to take the bar examination only after successfully completing at least 26 semester hours of study in the subjects tested in the bar examination in a law school that at the time of such study was approved by the American Bar Association. All such 26 semester hours shall be earned in courses of study, each of which is substantially concentrated on a single tested subject.

**(5) Multistate Professional Responsibility Examination.** An applicant for admission by examination shall not be admitted to the Bar unless that applicant has also taken an examination on the Code of Professional Responsibility given under the auspices of the Multistate Bar Examination Committee of the National Conference of Bar Examiners and received thereon a minimum grade as determined by the Committee on Admissions. Arrangements to take said examination, including the payment of any fees therefor, shall be made directly with the Multistate Bar Examination Committee of the National Conference of Bar Examiners. The score received on the Multistate Professional Responsibility Examination (MPRE) shall not be used in connection with the scoring of the bar examination. There shall be no limit to the number of times an applicant may take the MPRE.

**(6) Examination of Applications.** The Director shall examine each application to determine the applicant's eligibility and to verify the completeness of the application. If eligibility is not demonstrated, the applicant shall be permitted to furnish additional information. If the application is not complete, either it shall be returned to the applicant for completion or the needed information shall be requested by letter.

**(7) Examination Identification Number.** The Director shall assign an examination number to each accepted applicant. Each applicant shall be notified by the Director of the applicant's examination number and shall be furnished an admission card and a list of instructions. Further disclosure of the examination number of any applicant is prohibited.

**(8) General Considerations Regarding the Examination.**

**(i)** Applicants shall be examined on both the essay and the Multistate Bar Examination (MBE) sections at the examination site designated by the Committee.

**(A)** An applicant may request the Committee to accept a prior MBE administration provided that:

1. The prior MBE scaled score is not less than 133;
2. The subjects of the prior MBE are identical to those comprising the present MBE section; and
3. The prior administration was within 25 months of the present administration.

**(B)** An applicant may request the Committee to accept a prior essay administration provided that:

1. The prior essay scaled score is not less than 133; and
2. The prior administration was within 25 months of the present administration.

(ii) Any prior section administration accepted pursuant to this rule shall be valued as set forth in (b)(10)(ii) below. An applicant requesting acceptance of a prior section administration shall submit with the application to sit for the bar examination either a duly executed MBE score and release form or an essay scaled score release form.

(iii) The bar examination may cover the following subjects: administrative law, contracts, agency, Uniform Commercial Code, equity, business associations, conflicts of laws, evidence, torts, wills, trusts, administration of estates, family law, real and personal property, civil and criminal procedure, constitutional law, criminal law, legal ethics and tax law. In its discretion, the Committee may change the subjects.

(iv) Each day of the examination shall require six hours writing time unless modified by the Committee for an applicant pursuant to a request for testing accommodations. One day shall be devoted to essay questions approved by the Committee; the other day shall be devoted to the MBE multiple-choice questions prepared by the National Conference of Bar Examiners.

(v) Examination booklets shall be furnished by the Committee. Typewriters furnished by the applicants may be used by prearrangement with the Director.

(vi) Except by permission of the Committee's representative, no applicant shall leave the examination room during the examination. Each applicant, upon leaving the examination room, shall turn in the examination booklets to the Committee's representative.

**(9) Computation of Essay Scaled Scores.** The essay scores on each examination shall be converted to scaled scores using the standard deviation method. The basis for this scaling shall be the distribution of MBE scaled scores of the applicants taking the essay portion of that examination.

**(10) Determining Pass/Fail Status.**

(i) An applicant taking the essay and MBE sections concurrently shall be successful if the sum of the applicant's essay and MBE scaled scores is 266 or greater (i.e., an average scaled score of 133 or greater).

(ii) Where a prior administration is accepted by the Committee under (b)(8)(ii) or (iii) above, an applicant shall be successful only if:

(A) Both the prior essay scaled score and the concurrent MBE scaled score are not less than 133; or

(B) Both the prior MBE scaled score and the concurrent essay scaled score are not less than 133, as the case may be.

For purposes of this subsection (ii) an applicant's passing status on a section will remain intact for 25 months from the date the section was administered even if the applicant fails the section on subsequent administrations.

**(iii)** Before notice and publication of the examination results, the Committee shall review the essay examination papers of all applicants who have attained an essay scaled score or a combined scaled score within five points below the passing grade.

**(11) Time of Notice and Publication of Results.** Applicants shall be notified in writing of the results of their examination. Successful applicants shall be notified in writing of the scaled score they attained in the MBE section of the examination. An alphabetical list of the successful applicants shall be published with the request that any information tending to affect the eligibility of an applicant on moral grounds be furnished to the Committee. The first publication shall be at least 30 days before the Committee reports to the court. A copy of this list shall be posted in the office of the Clerk for three weeks.

**(12) Post-examination Review.**

**(i)** The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's score for each essay question, the scaled essay score, the MBE scaled score, and the combined score. Scores will not be rounded.

**(ii)** Each unsuccessful applicant may review the essay section of the examination by executing and returning the review request form to the Director within the time period specified by the Committee. The examiner's questions and comments thereto shall be made available to the unsuccessful applicant. A review of the MBE is not available. The Director shall advise the unsuccessful applicant of the date, time and place at which the essay papers may be reviewed. The review period shall not exceed three hours.

**(iii)** Within 10 days after review (excluding Saturdays, Sundays and legal holidays), the applicant may submit a petition for regrading setting forth the reasons in support of such petition. The petition shall be addressed to the appropriate examiner and delivered or mailed to the Director. The only identifying mark to be placed on the petition is the number assigned to the applicant for taking the examination, which number shall serve as identification. Any references to the applicant's combined score, economic status, social standing, employment, personal hardship, or other extraneous information is strictly prohibited. An applicant shall submit a separate petition to each examiner from whom the applicant seeks regrading. The petition for regrading shall be directed to the merits of the applicant's response to the examination questions.

**(iv)** Upon receipt of a petition for regrading, the Director shall forward to the appropriate examiner a file composed of the examiner's questions and comments with respect to such questions, the applicant's examination booklet, and the applicant's petition for regrading.

(v) Unless otherwise extended by the Chairman, the examiner shall, within 15 days (excluding Saturdays, Sundays, and legal holidays), return to the Director the applicant's file together with the examiner's disposition of the petition. The Director shall notify the applicant of the final decision.

**(13) Destruction of the Essay Examination Papers.** Destruction of the essay examination papers may commence 30 days from the date of publication of the examination results; but destruction of the essay examination papers of an unsuccessful applicant who takes advantage of the post-examination review procedure shall be delayed for not less than 30 days after notification of the final decision on the applicant's petition for review.

**(14) Previous Failures.** Previous failures in a bar examination shall not disqualify an applicant from taking the examination.

**(15) Communication With Committee Members and Graders.** No applicant shall communicate with Committee members or graders concerning any applicant's performance in the examination.